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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 2426/76

of 4 October 1976

amending Regulation (EEC) No 2893/74 on sparkling wines produced in the Community and specified in item 12 of Annex II to Regulation (EEC) No 816/70 and Regulation (EEC) No 817/70 laying down special provisions relating to quality wines produced in specified regions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (1),

Whereas Council Regulation (EEC) No 2893/74 of 18 November 1974 on sparkling wines produced in the Community and specified in item 12 of Annex II to Regulation (EEC) No 816/70 (2) and Council Regulation (EEC) No 817/70 of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions (3), as last amended by Regulation (EEC) No 1161/76 (4), introduced rules for the production of sparkling wines with effect from 1 September 1975; whereas Commission Regulation (EEC) No 2152/75 of 18 August 1975 on detailed rules for the application of Regulation (EEC) No 2893/74 and Regulation (EEC) No 2894/74 in respect of sparkling wines (5) laid down provisions permitting the marketing until 31 August 1976 of sparkling wines that do not conform to the new rules and which were produced before such rules became applicable;

Whereas large stocks of these sparkling wines were not marketed by 31 August 1976; whereas provision should be made for these stocks to be marketed until they are exhausted;

Whereas in order to render easier the control over stocks of sparkling wines produced before 1 September 1975, the Member States concerned must be allowed to provide that anyone holding stocks of the said sparkling wines must declare any quantities of 10 hectolitres or more to the competent authorities;

Whereas Regulation (EEC) No 1160/76 (6) amended Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine (7); whereas the amendments include an extension of the dates given under Article 26a of Regulation (EEC) No 816/70;

Whereas the corresponding articles of both Regulation (EEC) No 817/70 and Regulation (EEC) No 2893/74 should therefore be similarly amended,

HAS ADOPTED THIS REGULATION:

Article 1

Article 22 of Regulation (EEC) No 2893/74 shall be replaced by the following:

'Article 22

1. Sparkling wines within the meaning of item 12 of Annex II to Regulation (EEC) No 816/70 for which proof can be supplied that they were produced before 1 September 1975 and which do not conform to the provisions of Titles I, II or III of this Regulation, may be marketed provided that they conform to the previous national provisions with regard to production.

(1) Opinion delivered on 17 September 1976 (not yet published in the Official Journal).
(2) OJ No L 310, 21. 11. 1974, p. 1.
(3) OJ No L 99, 5. 5. 1970, p. 20.
(4) OJ No L 135, 24. 5. 1976, p. 27.
(5) OJ No L 219, 19. 8. 1975, p. 7.
(6) OJ No L 135, 24. 5. 1976, p. 1.
(7) OJ No L 99, 5. 5. 1970, p. 1.

2. Member States may provide that quantities of 10 hectolitres or more of sparkling wines referred to in paragraph 1 and prepared before 1 September 1975 shall be declared to the competent authorities.

3. Without prejudice to other national provisions of the producer Member States in respect of description, the sparkling wines referred to in paragraph 1 may not bear the term "quality sparkling wine".'

Article 2

A new Article 17 reading as follows shall be inserted into Regulation (EEC) No 817/70 :

'Article 17

1. Sparkling wines bearing the name of a specified region for which proof can be supplied that they were produced before 1 September 1975 but which do not conform to the provisions laid down in the fourth subparagraph of Article 1 may be marketed under this name and, where applicable, any of the specific expressions traditionally used which are referred to in Article 12 (2a), provided that they conform to the previous national provisions.

2. Member States may provide that quantities of 10 hectolitres or more of sparkling wines referred to in paragraph 1 and prepared before 1 September 1975 shall be declared to the competent authorities.'

Article 3

1. In the second subparagraph of Articles 12 (1) and 16 (1) of Regulation (EEC) No 2893/74, the date of 31 August 1976 is replaced by 28 February 1977.

2. In Articles 12 (2) and 16 (2) of Regulation (EEC) No 2893/74, the date of 30 June 1976 is replaced by 31 December 1976.

Article 4

1. In the second subparagraph of Article 10b (1) of Regulation (EEC) No 817/70, the date of 31 August 1976 is replaced by 28 February 1977.

2. In Article 10b (2) of Regulation (EEC) No 817/70, the date of 30 June 1976 is replaced by 31 December 1976.

Article 5

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities.*

It shall apply from 1 September 1976.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 4 October 1976.

For the Council

The President

A. P. L. M. M. van der STEE